

the State and the State may qualify its cession by reservations not inconsistent with the governmental uses." (Emphasis supplied.) Numerous State cases have held that the power given by a State constitution or statute to "purchase" land does not include the power to condemn.¹² The Attorney General of Nebraska in an opinion of May 14, 1943, held that a statute of that State, consenting only to the "purchase" by the United States of lands within the State, did not vest the United States with exclusive jurisdiction over lands acquired by condemnation.

On the other hand, the *Tucker* case¹³ is sometimes cited in support of the view that the word "purchased" as used in the Constitution is to be interpreted in its common law sense. In that case, however, the lands involved were not acquired by condemnation, but were ceded by special grant of the legislature of the State to the United States. The Court expressed the view that a cession of land by a State is equivalent to a "purchase" within the purview of the Constitution. The Attorney General of the United States in an early decision¹⁴ held that the acquisition of title by expropriation is a "form of acquisition justified by * * * the Constitution of the United States." However, that case did not involve the question of jurisdiction but related only to the title to the lands involved.

A search of the Court decisions fails to disclose any case wherein the actual existence or non-existence of Federal jurisdiction over lands acquired by condemnation was decided upon any particular concept of the word "purchase" as used in the Constitution. As a practical matter, however, the question has become one of diminishing importance, because all but a few States¹⁵ of the United States have enacted cession statutes which are sufficiently broad in scope to cover lands acquired by condemnation or any other means.

37. "Other needful buildings" discussed.—There has been much discussion concerning the meaning of the words "other needful buildings" as used in the Constitution. Early authorities gave the words a restricted meaning under the doctrine of ejusdem generis, construing them as including only buildings of the same character as those expressly mentioned, that is, forts, magazines, arsenals or dock yards.¹⁶ In course of time, however, the words were interpreted more liberally, as including Government structures of non-military character. The term "other needful buildings" has been applied by the courts to the following: a navy

¹² *Paris Mountain Water Co. v. City of Greenville*, 105 S. C. 180, 89 S. E. 669, 671; *Griffith et al. v. City of Trenton*, 76 N. J. L. 23, 69 A. 29; See also 28 Att'y. Gen. 412, 415.

¹³ *United States v. Tucker*, 122 Fed. 518, 522.

¹⁴ 7 Att'y. Gen. 114. See also 13 Att'y. Gen. 131, 134; 28 Att'y. Gen. 413.

¹⁵ See Digest of State Cession Laws, Appendix II.

¹⁶ *United States v. Bevans*, 3 Wheat. 336, 390; *New Orleans v. United States*, 10 Pet. 660, 737.